IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 9 OF 2001

IN

NOTICE OF MOTION NO. 2895 OF 1995

IN

APPEAL NO. 970 OF 1999

IN

NOTICE OF MOTION NO. 1708 OF 1997

IN

SUIT NO. 719 OF 1997

ALLWYN GONSALVES ..PETITIONER

V/S

CARDINAL SIMON PIMENTA & ORS. ..RESPONDENTS

AND

THAKKAR TRICOMJI KOOVERJI & ORS. ..CONTEMNORS

Mrs. B. D'souza for petitioner.

Mr. V.J. Hegde for Respondent Nos. 1, 2, 3 & 5.

CORAM : D.K. DESHMUKH, J.

DATE : 14TH FEBRUARY, 2007.

P.C.

1. According to the petitioner, Respondent Nos. 1 and 2 have wilfully and deliberately violated the

order dated 13th January, 2006 passed by the Division Bench of this court in Writ Petition No. 1472 of 1990 and 2374 of 1992. The operative part of the order of the Division Bench shows that the Division Bench had issued direction to the State Government and directed the State Government to implement the order within a period of four months from the date of the order namely 13th January, 2006. Learned AGP appearing for the State Government accepted that the order of the Division Bench has not been implemented within the time allowed by the Division Bench. It is not his case that because the State Government was not in a position to comply with the order within the time allowed by the court application was made to the Division Bench for extension of the time. He submitted that Special Leave Petition has been filed before the Supreme Court in the month of November, 2006 and that it will come up before the Supreme Court on 1st March 2007. Assumining that the State Government has filed S.L.P. against the order before the Supreme Court in my opinion the Respondent No. 1 and 2 who according to the petitioner were responsible for implementing the

order passed by the Division Bench against the State Government could not have merely ignored the order passed by the Division Bench on the ground that they have filed Special Leave Petition before the Supreme Court. As the court had given four months time to comply with the order only 3 options were open to the Respondent Nos. 1 and 2, 1) they could have complied with the order within the time allowed 2) they could have approached the Supreme Court for stay of the operation of the order within 4 months allowed by the court 3) Applied to the court which made the order for extension of time to comply with the order. None of the courses have been followed by the Respondent Nos. 1 and 2 and they have simply ignored the order made by this court. Prima facie it appears that disobedience of the order by the Respondent No. 1 and 2 is deliberate and wilful. Hence admit. Office to issue show cause notice to the respondent asking him to show cause as to why he should not be tried and punished for having committed contempt of this Court. A copy of this the show cause notice. The respondent is directed to remain present personally

in the Court on the date on which the show cause

notice is made returnable. Show cause notice be made returnable on a date after four weeks from the date of issuance of the show cause notice.

(D.K. DESHMUKH, J.)